

AO 91 (Rev. 5/85) - Criminal Complaint

# United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

**E-FILING**

2007 DEC 19 P 2:57

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Humberto SANTOS-Gonzalez

**07-70756 PVT**

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, 10/31/2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

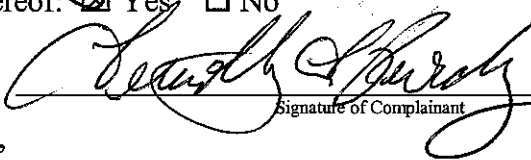
PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant

APPROVED AS TO FORM:

  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Signature of Complainant

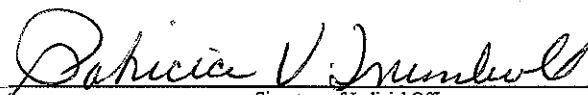
Sworn to before me and subscribed in my presence,

12/19/07  
Date

at

San Jose, California  
City and State

Patricia V. Trumbull  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**RE: Humberto SANTOS-Gonzalez**

**A 98 409 824**

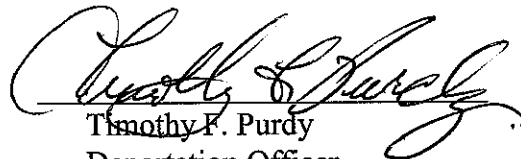
I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Humberto SANTOS-Gonzalez (AKA: Humberto GONZALEZ-Soto), is a 36 year-old married male whose date of birth is currently understood to be June 11, 1971. He is a citizen and native of Oaxaca, Mexico as substantiated by a sworn statement made to that effect by the DEFENDANT on October 31, 2007 in an interview that was initiated on that same date at the Monterey County Jail by ICE Immigration Enforcement Agent (IEA) Joshua Arumbulo of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 98 409 824, FBI number of 840614KB5, and California Criminal State ID Number of A21055519;
- (3) On July 14, 2005, the DEFENDANT was convicted in U.S. Superior Court, County of Monterey, California, for the offense of: DUI ALCOHOL/DRUGS, a felony, in violation of California Vehicle Code Section 23152 (B) and was sentenced to one-hundred and eighty days in jail;
- (4) On February 15, 2007, the DEFENDANT was convicted in U.S. Superior Court, County of Monterey, California, for the offense of LEWD AND LASCIVIOUS ACTS – UNDER FOURTEEN YEARS, a felony, in violation of California Penal Code Section 288 and was sentenced to three hundred and sixty-five days in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(A);
- (5) On July 6, 2007, the DEFENDANT was determined to be unlawfully present in the United States by the DRO/ICE Assistant Field Office Director District of San Francisco, California and ordered deported from the United States to Mexico;
- (6) On November 13, 2007, the DEFENDANT was convicted in U.S. Superior Court, County of Monterey, California, for the following offenses: VIOLATION OF PROBATION, a felony, in violation of California Penal Code Section 288(A) and DUI WITH PRIORS, a misdemeanor, in violation of California Vehicle Code Section 13350(B), for which the DEFENDANT was sentenced to three years in jail;

RE: Humberto SANTOS-Gonzalez

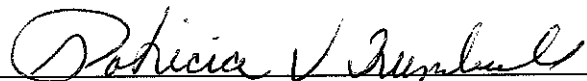
A 98 409 824

- (7) On, October 31, 2007, the Defendant was encountered by IEA Joshua Arumbulo, at the Monterey County Jail, and determined to be unlawfully present in the United States after a prior deportation. IEA Arumbulo read the DEFENDANT of his **Miranda** rights in the Spanish language. The DEFENDANT waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States. This is this DEFENDANT'S third written sworn statement attesting to his alienage;
- (8) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (9) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 19 day of December 2007



Patricia V. Trumbull  
UNITED STATES MAGISTRATE JUDGE